

REMARKS

This is a full and timely response to the Decision on Appeal mailed July 19, 2012 (the "Office Action" or "Action"). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

Claims 2, 4-5, 15-16, 34, 36, 42-43, 59-60, 69-70, and 89-91 have been previously cancelled without prejudice or disclaimer. By the preceding amendment, the remaining claims 1, 3, 6-14, 17-33, 35, 37-41, 44-58, 61-68, and 71-88 have also been cancelled without prejudice or disclaimer.

New claims 92-115 have been added. Thus, claims 92-115 are currently pending for further action.

Final Office Action:

Prior to the Decision on Appeal, the decision of the Primary Examiner dated April 15, 2009 (the "final Office Action" or "Action") raised the following rounds of rejection, which were affirmed on appeal.

(1) Claims 1, 3, 6-7, 12-14, 17-20, 22-33, 35, 37, 41, 44-47, 49-58, 61-62, 67-68, 71-72, 74-81, and 83-88 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,943,402 to Hamel et al. ("Hamel") in view of U.S. Patent No. 6,442,243 to Valco et al. ("Valco").

(2) Claims 8-10, 12, 38, 40, and 63-66 were rejected under 35 U.S.C. § 103(a) as being obvious over Hamel, Valco, and U.S. Patent No. 6,970,906 to Parsons et al. ("Parsons").

(3) Claims 11, 21, 39, 48, and 73 were rejected under 35 U.S.C. § 103(a) as being obvious over Hamel, Valco, and U.S. Patent No. 5,742,735 to Haddock (“Haddock”).

These rejections are all rendered moot by the cancellation herein of all the claims that were pending on appeal.

New Claims:

New claim 92 recites the following:

A method of creating a segmented voicemail message comprising:  
receiving a phone call from a caller;  
recording a verbal message spoken by said caller to said voice mail system via said phone call;  
during the recording of said verbal message, receiving input from said caller that indicates at least one division within said message; and  
storing the recorded verbal message as a voicemail message including at least one bookmark at a division within the message that was entered by said caller during speaking of said message.

Support for the subject matter of new claim 92 can be found in Applicant’s originally-filed specification at, for example, pp. 14-15.

As will be appreciated by those of skill in the art, this subject matter allows any caller from any telephone to segment a message that is being left for a recipient who was called. The segmenting of the message is performed by the caller during the recording of the message that the caller is leaving.

In contrast, the previously-cited references appear only to teach segmenting a voicemail after it has been created. This requires full access to the voicemail system after the message has been created and does not allow any caller from any phone to segment a message as would the claimed subject matter. Consequently, the previously cited references are thought to be inapposite to the newly-added claims.

The other independent claims added by the present paper are supported by the specification in the same way, and distinguish over the cited art for at least the same reasons, as claim 92. Therefore, examination of all the newly-added claims is respectfully requested.

Conclusion:

In view of the preceding arguments, all claims are believed to be in condition for allowance over the references of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

The absence of a reply to a specific rejection, issue or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any instances in which the Examiner may wish to take Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

/Steven L. Nichols/

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